

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Olga Bentin	Team: Squad #4	CCRB Case #: 201705063	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Wednesday, 06/21/2017 3:45 PM	Location of Incident: Corner of Dean Street and 6th Avenue	Precinct: 78	18 Mo. SOL 12/21/2018	EO SOL 12/21/2018	
Date/Time CV Reported Thu, 06/22/2017 11:07 AM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Thu, 06/22/2017 11:07 AM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Arnaud Polynice	11414	957047	088 PCT
2. POM Joseph Swicki	21546	947528	078 PCT
3. POM Matthew Lambert	14548	956820	088 PCT
4. POM Arie Benchetrit	01078	950067	078 PCT
5. POM Jonathan Martinez	10299	953059	088 PCT
6. Officers			078 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. DTS Brian Laffey	4254	925573	078 PCT
2. POM Michael Dipalo	18823	951681	078 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Arnaud Polynice	Abuse: Police Officer Arnaud Polynice stopped § 87(2)(b)	
B.POM Jonathan Martinez	Abuse: Police Officer Jonathan Martinez stopped § 87(2)(b)	
C.POM Matthew Lambert	Abuse: Police Officer Matthew Lambert stopped § 87(2)(b)	
D.POM Arnaud Polynice	Abuse: Police Officer Arnaud Polynice frisked § 87(2)(b)	
E.POM Arnaud Polynice	Discourtesy: Police Officer Arnaud Polynice spoke discourteously to individuals.	
F.POM Jonathan Martinez	Discourtesy: Police Officer Jonathan Martinez spoke discourteously to individuals.	
G.POM Arnaud Polynice	Discourtesy: Police Officer Arnaud Polynice spoke discourteously to § 87(2)(b)	

Officer(s)	Allegation	Investigator Recommendation
H.POM Arnaud Polynice	Discourtesy: Police Officer Arnaud Polynice spoke discourteously to § 87(2)(b)	
I.POM Arnaud Polynice	Abuse: Police Officer Arnaud Polynice threatened § 87(2)(b) with the use of force.	
J.POM Jonathan Martinez	Discourtesy: Police Officer Jonathan Martinez spoke discourteously to § 87(2)(b)	
K. Officers	Force: Officers used physical force against § 87(2)(b)	
L.POM Arie Benchetrit	Force: Police Officer Arie Benchetrit used physical force against § 87(2)(b)	
M.POM Joseph Swicki	Force: Police Officer Joseph Swicki used physical force against § 87(2)(b)	

Case Summary

On June 22, 2017, § 87(2)(b) contacted the CCRB by phone and filed this complaint.

On June 21, 2017, at approximately 3:45 p.m., § 87(2)(b) saw two male officers, identified by the investigation as PO Arnaud Polynice and PO Jonathan Martinez of the 88th Precinct, stop a young male individual, identified by the investigation as § 87(2)(b) at the corner of Dean Street and 6th Avenue in Brooklyn, where PO Polynice then frisked him (**Allegations A, B, and D**). The investigation determined that a third officer, identified by the investigation as PO Matthew Lambert of the 88th Precinct, was with PO Polynice and PO Martinez when they initially approached § 87(2)(b) and participated in the stop (**Allegation C**).

§ 87(2)(b) heard PO Polynice and PO Martinez yell to the crowd that gathered at the corner, “Shut the fuck up” (**Allegations E and F**).

§ 87(2)(b) and PO Polynice had previously interacted during an incident on December 22, 2016. § 87(2)(b) filed a CCRB complaint about this incident (case § 87(2)(b)). PO Polynice turned to § 87(2)(b) and said, “You went to fucking CCRB, bitch, and I still have my job” (**Allegation G**). § 87(2)(b) told PO Polynice to release § 87(2)(b) to which PO Polynice replied, “I have to do my fucking job. Go fuck yourself. That’s why you got beat up” (**Allegation H**). When § 87(2)(b) objected this, PO Polynice said to him, “I will fuck you up. I will fuck you up. You will get hurt” (**Allegation I**). § 87(2)(b) heard PO Martinez call § 87(2)(b) “a pussy” (**Allegation J**). Before PO Polynice left the scene, he said to § 87(2)(b) once again, “You dumb bitch. You went to the CCRB” (**Subsumed in Allegation G**).

When PO Polynice and PO Martinez were leaving the scene, § 87(2)(b) saw a young male individual, identified by the investigation as § 87(2)(b) hit the trunk of their vehicle with his hand. Almost immediately, approximately four or five officers, two of whom were identified by the investigation as PO Joseph Swicicki and PO Arie Benchetrit of the 78th Precinct, ran up to § 87(2)(b). PO Benchetrit punched § 87(2)(b) in his face, and then in conjunction with the other officers tackled him onto the ground (**Allegations K, L, and M**).

As a result of this incident, § 87(2)(b) was issued C-summons #§ 87(2)(b) (BR 19) for § 87(2)(b), and released shortly after he was stopped. § 87(2)(b) was arrested (BR 17) and charged with § 87(2)(b).

§ 87(2)(b) provided the investigation with the video footage of this incident recorded on her cell phone. The full video recording is located in, and can be viewed from, Investigative Action #28. The SnagIt video recording is located in, and can be viewed from, Investigative Action #29 (BR 02).



201705063_20170628_0752_DM.mp4

Mediation, Civil and Criminal Histories

- This case was unsuitable for mediation due to § 87(2)(b)'s previous sensitive CCRB case with PO Polynice and § 87(2)(b)'s arrest with no DAT.
- As of August 22, 2017, no Notice of Claim has been filed regarding this incident (BR 31).

- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)] [REDACTED]
[REDACTED]
- [REDACTED]
[REDACTED]
[REDACTED]
- [REDACTED]

Civilian and Officer CCRB Histories

- [§ 87(2)(b)] (BR 07), [§ 87(2)(b)] (BR 08), and [§ 87(2)(b)] (BR 09) each have two prior CCRB complaints.
 - [§ 87(2)(b)] [REDACTED]
[REDACTED]
[REDACTED]
 - [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
- [§ 87(2)(b)] (BR 10) and [§ 87(2)(b)] (BR 11) have no prior CCRB history.
- PO Arnaud Polynice has been a member of service for three years and has a total of nine previous CCRB allegations stemming from five complaints that were made against him.
[§ 87(2)(g)] [REDACTED]
- PO Matthew Lambert has been a member of service for three years and has a total of nine previous CCRB allegations stemming from two complaints that were made against him, none of which was substantiated. [§ 87(2)(g)] [REDACTED]
[REDACTED]
- PO Jonathan Martinez has been a member of service for five years and has total of 24 previous CCRB allegations stemming from eight separate complaints that were made against him.
 - In case 201402142, allegations of discourtesy and offensive language were closed as substantiated with Command B Discipline. The NYPD concurred with the recommendation.
- PO Joseph Swicki has been a member of service for nine years and has a total of four previous CCRB allegations stemming from four separate complaints made against him, none of which was substantiated. [§ 87(2)(g)] [REDACTED]
[REDACTED]
 - In case 201708693, the allegation of stop was closed as substantiated with Command A Discipline. The NYPD imposed penalty of formalized training.
- PO Arie Benchetrit has been a member of service for six years and has no CCRB history.

Potential Issues

- [§ 87(2)(b)] (BR 01) refused to provide any contact information for [§ 87(2)(b)] or [§ 87(2)(b)] stating that they did not wish to cooperate with the investigation.
- [§ 87(2)(b)] (BR 01) said that her mother, [§ 87(2)(b)] witnessed the incident, but asked that she not be contacted because she is elderly and sick.

- On July 12, 2017, a call was placed to § 87(2)(b) (BR 24), who refused to cooperate with the investigation.
- On June 28, 2017, CLEAR and LEXIS searches were performed for § 87(2)(b). These searches confirmed the home address listed for § 87(2)(b) in the arrest report stemming from this incident, and also revealed four telephone numbers two of which were found to be disconnected. Between June 28, 2017, and July 10, 2017, a total of five calls were placed to the two remaining numbers, both of which rang continuously without the option of leaving a voice message. Between June 28, 2017, and July 5, 2017, two please-call letters were mailed to § 87(2)(b) at the address that was listed in his arrest report. On July 5, 2017, the first letter mailed to § 87(2)(b) was returned by USPS. As such, the investigation was unable to establish contact with § 87(2)(b).
- The two individuals running with § 87(2)(b) could not be identified. As the investigation was unable to find out what ultimately happened to them, or if they were being actually chased or stopped by the police, no allegations have been pleaded on their behalf.

Findings and Recommendations

Explanation of Subject Officer Identification

§ 87(2)(b) (BR 01) said that she saw PO Polynice, whom she recognized due to their prior interaction on December 22, 2016, and his partner, whom she described as a light skinned black or Hispanic male, approximately 36 years old, between 5'10" and 5'11" tall, with a muscular build, and brown hair, stop § 87(2)(b) and PO Polynice then frisked him. She also alleged that PO Polynice and his partner spoke discourteously to the crowd, and that PO Polynice used profanities towards to her, § 87(2)(b) § 87(2)(b) and threatened to use force against § 87(2)(b) § 87(2)(b). § 87(2)(b) also alleged that PO Polynice's partner called § 87(2)(b) "a pussy."

PO Polynice (BR 12) acknowledged stopping and frisking § 87(2)(b) and that he saw § 87(2)(b) and § 87(2)(b) present at the scene, but denied using any profanities against them or the crowd, or threatening to use force against § 87(2)(b).

§ 87(2)(g)

PO Martinez (BR 14) acknowledged stopping § 87(2)(b) but denied seeing or interacting with § 87(2)(b) or using any profanity towards him or the crowd.

Although not alleged by § 87(2)(b) PO Lambert (BR 13) said that he was with PO Polynice and PO Martinez when they approached § 87(2)(b).

According to PO Lambert's pedigree information, he is a white male, 5'8" tall, § 87(2)(b) old, 180 pounds, with red hair, brown eyes, and red beard.

According to PO Martinez's pedigree information, he is a Hispanic male, § 87(2)(b) old, 6'1" tall, 155 pounds, with black hair, and brown eyes.

§ 87(2)(g)

§ 87(2)(b) (BR 01) said that when PO Polynice and PO Martinez reversed their vehicle to leave the scene, a male individual, § 87(2)(b) hit the trunk of their vehicle with his hand. Almost immediately, approximately four or five officers, whom § 87(2)(b) was unable to describe except as being uniformed, jumped on top of § 87(2)(b) punched him in the face, and

then tackled § 87(2)(b) onto the ground. § 87(2)(b) could not say if all or only one of the officers punched § 87(2)(b) and tackled him to the ground.

§ 87(2)(g)
§ 87(2)(g)
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§ 87(2)(g)

Allegation A – Abuse of Authority: Police Officer Arnaud Polynice stopped § 87(2)(b)

Allegation B – Abuse of Authority: Police Officer Jonathan Martinez stopped § 87(2)(b)

Allegation C – Abuse of Authority: Police Officer Matthew Lambert stopped § 87(2)(b)

Allegation D – Abuse of Authority: Police Officer Arnaud Polynice frisked § 87(2)(b)

§ 87(2)(b) (BR 01) said that on June 21, 2017, at approximately 3:45 p.m., she and her son, § 87(2)(b) returned from the laundromat and double parked their car in front of their home at § 87(2)(b), in Brooklyn. § 87(2)(b) saw two male plainclothes officers, identified by the investigation as PO Polynice and PO Martinez, chase after three teenage individuals, one of whom was identified by the investigation as § 87(2)(b) across the Dean Street Park in the direction of 6th Avenue. Several minutes later, § 87(2)(b)'s husband, § 87(2)(b) told her that PO Polynice and PO Martinez had stopped § 87(2)(b) at the corner of Dean Street and 6th Avenue. § 87(2)(b) § 87(2)(b) and § 87(2)(b)'s mother, § 87(2)(b) then all went to see what was going on.

When § 87(2)(b) approached, she saw PO Polynice patted § 87(2)(b)'s clothes starting with his upper chest, down to his waist, and then his legs.

As discussed above, § 87(2)(b) the victim, was uncooperative with the investigation.

PO Polynice (BR 12) and PO Martinez (BR 14) acknowledged that they pursued and stopped § 87(2)(b) § 87(2)(e)

§ 87(2)(b) On June 21, 2017, at 3:30 p.m., PO Polynice and PO Martinez observed § 87(2)(b) approach a large group of young individuals who were sitting in the park. When PO Polynice and PO Martinez approached the group, they saw § 87(2)(b) place his hands around his waist area, stuffing something down his shorts. § 87(2)(b) along with two other unknown male individuals then fled. PO Polynice and PO Martinez chased after them. PO Polynice and PO Martinez were unable to stop the other two males. PO Polynice and PO Martinez did not see what § 87(2)(b) initially placed inside his shorts, but PO Polynice later said that it was a zip lock bag of marijuana which he later recovered from § 87(2)(b)

PO Polynice (BR 12) acknowledged frisking § 87(2)(b) to find out what he initially had stuffed down his shorts. While being frisked, § 87(2)(b) told PO Polynice that he only had marijuana on him. PO Polynice then asked § 87(2)(b) to show him that marijuana. § 87(2)(b) complied by reaching inside his shorts and pulling out a zip lock bag that contained 13 small baggies of marijuana.

As a result of this incident, § 87(2)(b) was issued C-summons #§ 87(2)(b) (BR 19) for § 87(2)(b).

Property voucher #§ 87(2)(b) (BR 21) is consistent with PO Polynice's testimony.

PO Lambert (BR 13) corroborated PO Polynice's and PO Martinez's accounts about receiving information regarding § 87(2)(b) and § 87(2)(b) fled the scene upon the officers' initial approach. PO Lambert did not see § 87(2)(b) place his hands inside his waist area immediately before fleeing.

It is undisputed that § 87(2)(b) was stopped and frisked. § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

Allegation E – Discourtesy: Police Officer Arnaud Polynice spoke discourteously to individuals.

Allegation F – Discourtesy: Police Officer Jonathan Martinez spoke discourteously to individuals.

Allegation G – Discourtesy: Police Officer Arnaud Polynice spoke discourteously to

§ 87(2)(b)

Allegation H – Discourtesy: Police Officer Arnaud Polynice spoke discourteously to § 87(2)(b)

Allegation I – Abuse of Authority: Police Officer Arnaud Polynice threatened to use force against § 87(2)(b)

Allegation J – Discourtesy: Police Officer Jonathan Martinez spoke discourteously to § 87(2)(b)

§ 87(2)(b) (BR 01) said that besides her, § 87(2)(b) and § 87(2)(b) other individuals, several of whom were known to § 87(2)(b) only by their nick names as “§ 87(2)(b)” and “§ 87(2)(b)” also walked over to the corner of Dean Street and 6th Avenue. They then began to yell to PO Polynice and PO Martinez, “Suck my dick,” to which PO Polynice and PO Martinez both replied, “Shut the fuck up.” § 87(2)(b) explained that PO Polynice was one of the officers that arrested § 87(2)(b) and her other sons on § 87(2)(b), an incident she filed a CCRB complaint about (case #§ 87(2)(b)). During that incident, PO Polynice and his fellow officers were assaulted by § 87(2)(b) and his two other brothers, resulting in severe injuries to the officers. § 87(2)(b)

PO Polynice turned to § 87(2)(b) and said, “You went to fucking CCRB, bitch, and I still have my job.” § 87(2)(b) replied to PO Polynice, “What the fuck? What did you just say?” § 87(2)(b) then turned to PO Polynice and said, “You are the one who did this to us [referring to his arrest]. Leave § 87(2)(b) alone,” to which PO Polynice replied, “I have to do my fucking job. Go fuck yourself. That’s why you got beat up.” § 87(2)(b) verbally intervened in § 87(2)(b)'s defense. PO Polynice then said to § 87(2)(b) “I will fuck you up. I will fuck you up. You will get hurt.” § 87(2)(b) replied to PO Polynice, “You will fuck me up? For what? For me telling you never to bother my kids?” Almost immediately, PO Martinez interrupted § 87(2)(b) by saying, “Curse at me, curse at me, pussy.” § 87(2)(b) in return called PO Martinez “pussy” as well. “§ 87(2)(b)” and “§ 87(2)(b)” and several other individuals began to curse at PO Polynice and PO Martinez saying, “Suck my dick,” “Fuck you,” and, “You are a punk-ass nigger officer.” PO Polynice once again turned to § 87(2)(b) and said, “You dumb bitch. You went to the CCRB.” § 87(2)(b) told PO Polynice that she was

going to go to the agency again. § 87(2)(b) later added that she, § 87(2)(b) and § 87(2)(b) were not at their most exemplary behavior, that they all cursed at the officers, and that the situation was tense and hectic.

As discussed above, § 87(2)(b) and § 87(2)(b) refused to cooperate with the investigation. § 87(2)(b) asked the investigation not to contact her mother, § 87(2)(b) a witness. § 87(2)(b) another potential witness to these allegations, refused to cooperate, and § 87(2)(b) also a potential witness, was deemed unavailable. The investigation was unable to identify the other individuals present due to a lack of information.

Video footage #201705063_20170628_0752 (BR 02) provided by § 87(2)(b) does not capture any of the alleged discourteous statements.

PO Polynice (BR 12) said that while dealing with § 87(2)(b) a crowd of approximately 20 individuals began to form at the corner of Dean Street and 6th Avenue. The crowd appeared hostile and agitated. PO Polynice did not remember what particular statements were made to him, but said that several individuals yelled, “Fuck the police,” and, “Free my boy,” referring to § 87(2)(b). Later, PO Polynice saw a female individual, § 87(2)(b) point in his direction and say something to her husband, § 87(2)(b). PO Polynice recognized § 87(2)(b) and § 87(2)(b) because of the incident that happened on § 87(2)(b). § 87(2)(b) yelled to PO Polynice, “We have you on video. We know who you are,” to which PO Polynice replied, “Okay.” PO Polynice did not see if § 87(2)(b) was recording the incident. § 87(2)(b) was provoking the crowd and making it more rowdy by saying, “They always do this shit,” and, “They beat up my sons.” PO Polynice then heard § 87(2)(b) yell to him, “Why don’t you fight me instead of fighting my sons?” PO Polynice ignored § 87(2)(b) and did not respond. § 87(2)(b) appeared aggressive as he was screaming and trying to approach PO Polynice. § 87(2)(b) had to hold § 87(2)(b) around his chest, asking him to stop and move away.

At that time, PO Lambert and PO Martinez arrived at the scene, as well as numerous uniformed officers from the 78th Precinct. PO Polynice then proceeded to issue the summons to § 87(2)(b). At some point, PO Polynice turned around because he heard a male individual, § 87(2)(b) yell, “Yo, I knocked you out. I got you on video. You were asleep. I knocked you out,” pointing at PO Polynice. PO Polynice replied to § 87(2)(b) “All right.” PO Polynice then turned away and continued to write the summons. PO Polynice did not hear PO Lambert or PO Martinez interact with § 87(2)(b) or § 87(2)(b) as it was loud at the scene.

PO Polynice denied saying to the crowd, “Shut the fuck up.” PO Polynice denied saying to § 87(2)(b) “You went to fucking CCRB, bitch, and I still got my job,” or “You dumb bitch, you went to the CCRB,” at any point during this incident. PO Polynice denied saying to § 87(2)(b) “I have to do my fucking job. Go fuck yourself. That’s why you got beat up.” PO Polynice denied saying to § 87(2)(b) “I will fuck you up. I will fuck you up. You will get hurt.” PO Polynice denied threatening to use force against § 87(2)(b) or using any profanity against § 87(2)(b) § 87(2)(b) or the crowd at any point during this incident. PO Polynice did not hear PO Martinez call § 87(2)(b) “a pussy,” and did not hear any other officer use profanity.

PO Martinez (BR 14) corroborated PO Polynice’s account in that the crowd formed at the corner of Dean Street and 6th Avenue and that they were angry that § 87(2)(b) was stopped. PO Martinez denied interacting with anyone from the crowd, nor did he remember if PO Polynice did so. PO Martinez was not involved in the 2016 incident and did not recognize the § 87(2)(b).

PO Martinez denied saying to the crowd, “Shut the fuck up.” PO Martinez did not hear PO Polynice say to § 87(2)(b) “ You went to fucking CCRB, bitch, and I still got my job,” or “You dumb bitch, you went to the CCRB,” at any point during this incident. PO Martinez did not hear PO Polynice say to § 87(2)(b) “I have to do my fucking job. Go fuck yourself. That’s why you got beat up.” PO Martinez did not hear PO Polynice say to § 87(2)(b) “I will fuck you up. I will fuck you up. You will get hurt.” PO Martinez denied calling § 87(2)(b) “a pussy” at any point during this incident, or using profanity towards him.

§ 87(2)(g) PO Lambert believed that § 87(2)(b) said something to PO Polynice when he went to the vehicle to get his memo book, but he could not hear what it was, nor did he hear if PO Polynice replied to § 87(2)(b). Besides § 87(2)(b) and § 87(2)(b) PO Lambert saw that § 87(2)(b) s father, § 87(2)(b) was also present at the scene. § 87(2)(b) appeared aggressive as he was yelling to the officers, “Come and fight me. You want to fight my sons, come fight me. I will knock all of you out. Whoever wants, come and you will get it.” PO Lambert was not sure who § 87(2)(b) was referring to, but suggested that it could have been him or PO Polynice, or any other officer who was at the scene. PO Lambert did not respond to § 87(2)(b) nor did he hear PO Polynice or PO Martinez do so. PO Lambert saw that § 87(2)(b) was trying to walk across the street, attempting to approach him and PO Polynice, but he could not pass the officers from the 78th Precinct who were blocking his way.

PO Lambert denied using or hearing any officer use profanity.

PO Benchetrit (BR 15) said that on June 21, 2017, at 3:30 p.m., he was standing outside the 78th Precinct stationhouse in Brooklyn, when he heard a commotion at the corner of Dean Street and 6th Avenue. PO Benchetrit saw approximately 10 or 12 black and Hispanic male individuals surround three plainclothes officers, identified by the investigation as PO Polynice, PO Lambert, and PO Martinez. The individuals appeared aggressive as they yelled to the officers, “Fucking asshole,” “Fucking pigs,” “I will fucking kill you,” and, “You guys are bunch of pussies.” It appeared to PO Benchetrit that the fight was about to erupt, so he and numerous other officers from the 78th Precinct walked to the corner to disperse the crowd and to find out what was going on. Upon approach, the officers separated the crowd from PO Polynice, PO Lambert, and PO Martinez, by positioning themselves between them. The crowd was ordered to leave, but the individuals refused, continuing to yell profanities and make threats against all officers on scene by saying, “Fuck you, asshole,” “Fuck you, pig,” “I know where your car is parked. I will stab your after work,” “I will shoot you to the back of your head,” and “I am a gangster and you are not.” PO Benchetrit heard PO Polynice, PO Lambert, and PO Martinez shout back and forth with the crowd, but could not hear all that was said by PO Polynice, PO Lambert, and PO Martinez because it was very loud. He did hear that one of the officers replied to the individuals, “If you want to fight us. Come and fight us,” but could not identify which one.

PO Benchetrit denied hearing any officer use profanity.

§ 87(2)(g) PO Swicki explained that he did not pay attention to what PO Polynice, PO Lambert, and PO Martinez were doing, because he was trying to disperse the aggressive crowd. PO Swicki did not hear PO Polynice or PO Martinez use any profanity towards the crowd or any individual in particular, nor did he hear PO Polynice threaten to use force against any individual.

PO Michael Dipalo (BR 20) said that on June 21, 2017, at 3:45 p.m., while sitting in his vehicle in front of the 78th Precinct stationhouse, he saw officers and a group of civilians arguing

at the corner of Dean Street and 6th Avenue. PO Dipalo could not hear what they were arguing about. When PO Dipalo came to the scene, the incident was over and the crowd began to disperse. PO Dipalo saw several plainclothes officers at the scene, but did not see them interacting with anyone from the crowd.

It is undisputed that that the crowd gathered at the scene and that there was tension between the crowd and the officers. § 87(2)(g)

§ 87(2)(b)
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§ 87(2)(b)

Allegation K – Force: Officers used physical force against § 87(2)(b)

Allegation L – Force: Police Officer Arie Benchetrit used physical force against § 87(2)(b)

§ 87(2)(b)

Allegation M – Force: Police Officer Joseph Swickicki used physical force against § 87(2)(b)

§ 87(2)(b)

§ 87(2)(b) (BR 01) said that as PO Polynice, PO Martinez, and PO Lambert were leaving the scene, they reversed their vehicle, which almost hit a young male individual, § 87(2)(b) who was standing behind it. § 87(2)(b) then punched the trunk of the police vehicle so it would not hit him. Immediately, several uniformed officers, two of whom were identified by the investigation as PO Swickicki and PO Benchetrit, ran up to § 87(2)(b) punched him in the face, and then tackled him onto the ground. § 87(2)(b) could not say if all or just one of the officers punched § 87(2)(b) or if he sustained any injuries. § 87(2)(b) did not see § 87(2)(b) resist the officers, but was not paying much attention as to what was going on between the officers and § 87(2)(b) because she had her attention focused on PO Polynice.

As discussed above, the investigation was unable to establish contact with § 87(2)(b)

Video footage #201705063_20170628_0752 (BR 02) provided by § 87(2)(b) is of poor quality and does not capture the alleged force.

PO Benchetrit (BR 15) said that while the officers were trying to disperse the crowd, § 87(2)(b) pushed two officers, identified by PO Benchetrit as PO Vincent Lau and PO Lisardo Pena, approached an unmarked police vehicle, and began to kick the front driver side of it with his hands and legs. PO Swickicki immediately approached § 87(2)(b) to effect an arrest for observed criminal mischief. PO Swickicki was able to cuff § 87(2)(b) left hand, but he then turned around and swung at PO Swickicki, releasing himself. § 87(2)(b) then swung at PO Benchetrit, and in response PO Benchetrit punched § 87(2)(b) in his face one time. PO Benchetrit then stepped to the side to see if § 87(2)(b) was going to calm down. § 87(2)(b) continued to resist by trying to bite and head-butt PO Swickicki. PO Benchetrit approached § 87(2)(b) again and punched him two more times in his face, resulting in no injuries. At that point, PO Swickicki, and several other officers, whom PO Benchetrit was unable to identify, approached § 87(2)(b) and tackled him to the ground.

It is indicated in the Threat, Resistance, and Injury Report #§ 87(2)(b) (BR 29) completed by PO Benchetrit that he used a hand strike and forcibly took § 87(2)(b) to the

ground to overcome his aggression. As a result, § 87(2)(b) sustained minor contusions and was offered medical attention.

PO Swickicki (BR 16) acknowledged grabbing § 87(2)(b) by his hands and then tackling him to the ground in order to overcome his resistance to effect an arrest, after PO Swickicki observed § 87(2)(b) hit the trunk of the unmarked police vehicle with his fist, bending one of the antennas and causing minor dents. PO Swickicki denied using any other force against § 87(2)(b). PO Swickicki stated that as a result of this incident he sustained injury to his left wrist and thumb, and § 87(2)(b) sustained minor laceration to his cheek.

The Threat, Resistance, and Injury Report § 87(2)(b) (BR 18) is consistent with PO Swickicki's testimony.

It is noted in the narrative of the arrest report (BR 17) completed by PO Swickicki that he observed § 87(2)(b) block vehicular traffic and punch an unmarked police vehicle causing damage to the trunk. § 87(2)(b) resisted arrest by flailing his arms and keeping them stiff to prevent himself from being handcuffed. In addition, § 87(2)(b) had an active SAP warrant.

The AIDED (BR 27) and Line of Duty (BR 28) report are consistent with PO Swickicki's testimony.

The Medical Treatment of Prisoner Form (BR 22) indicated that § 87(2)(b) resisted arrest and was tackled to the ground as a result of which he sustained cut to his right cheek bone. EMS was called and treated his injuries.

The arrest photograph of § 87(2)(b) (BR 26) shows that he has a band aid underneath his right eye, covering the injury from view.

PO Lambert (BR 13) saw PO Swickicki tackle § 87(2)(b) to the ground. PO Lambert then assisted PO Swickicki in placing § 87(2)(b) in handcuffs by grabbing and holding his hands behind his back, but denied using any other force against him. § 87(2)(b) was resisting the officers by flailing and tensing up his arms. § 87(2)(b) sustained minor abrasions to his cheek. PO Lambert did not see § 87(2)(b) being punched by any officer.

PO Polynice (BR 12), PO Martinez (BR 14), and PO Dipalo (BR 20) did not see how § 87(2)(b) was apprehended or what force was used against him during this incident.

Officers must use only that force reasonably necessary to gain control of a subject or to effect an arrest. Patrol Guide Procedure 221-01 (BR 30)

§ 87(2)(g)

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Squad: 4

Investigator: _____
Signature Print Date

Squad Leader: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date